

REMARKS

Claims 41-43 are canceled. Claims 15-17, 22-23, 29-30, and 36-40 are amended and pending. Claim 37 is amended to remove “cancer” therefrom in accordance with the Examiner’s suggestion. Claims 38-40 have been amended to recite “administered to the mammal in need thereof in at least 400 mL/day of oatmeal gruel comprising at least  $5 \times 10^7$  CFU/mL of *Lactobacillus plantarum* 299v for a time period of from 3 to 6 weeks.” Support for the amendment” which has clear support at page 3, lines 33-24, of the specification. No new matter is believed to be added by the amendment above.

Claims 15-17, 22-23, 29-30, and 36-40 are pending. Favorable consideration is respectfully respected. At the outset, Applicants thank Examiner Marx for her helpful suggestions to overcome the outstanding rejections in the Office Action and during any discussions during the time period between the issuance of the Office Action and the current filing of the documents herein. Further, Applicants thank Examiner Marx for indicating that the amendment above, combined with the remarks below would further favorable prosecution of the present invention.

The rejections of the claims under 35 U.S.C. § 112, first and second paragraphs, are believed to be obviated by the above amendment combined with the remarks below.

In accordance with the Examiner’s suggestion, Applicants have amended the claims to remove “cancer” from the claims altogether. It should be noted that such an amendment does not necessarily translate into Applicants agreement with the rejection and Applicants reserve the right to pursue such subject matter in a later filed Continuation Application.

In addition, Applicants have amended the claims to remove “ $1 \times 10^9$  cfu or an equivalent amount” with --  $5 \times 10^7$  CFU/mL-- and to replace “25 mL/d” with --400 mL/day --. Both of these amendments appear to address the Examiner’s concerns and/or suggestions and find support at page 3, lines 33-24, of the specification.

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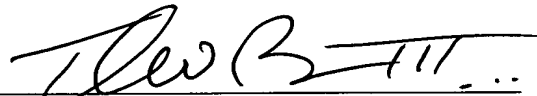
Reply to Office Action of June 13, 2003

In light of the above, all of the above rejections appear to be obviated and withdrawal of these grounds of rejection is respectfully requested.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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